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A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

NOVEMBER 1978

VOL. I NO. 11

LEGISLATIVE COUNCIL

CAUCUSES TO BE HELD NOVEMBER 17

Legislative deans plan to call the presession caucuses for November 17. This is somewhat sooner after the election than has been common in past years. The Interim Subcommittee on Legislative Improvement recommended this date to facilitate organization of the legislature. The orientation session will not be held in conjunction with caucuses as had been recommended. Orientation will be held after the session begins. But keep your calendar clear on November 17 for caucus.

BILL DRAFTING REQUESTS

With interim work nearly finished, the entire council staff will be able to devote nearly its entire effort to drafting bills for session soon after the election. The Subcommittee on Legislative Improvement hoped to encourage early requests and prefiling as a means of making session work more productive from the first day. The staff will exert its best efforts to support this goal.

INTERIM COMMITTEES

REPORTS TO BE PUBLISHED

Most Interim Committees have completed their studies. Reports will be available later this month. Legislators will receive a checklist of reports from which to choose. Next month's newsletter will also contain information about reports available for you.

SUBDIVISION LAW PROPOSALS CLARIFIED

The October Interim contained several errors in listing the status of recommendations of the Subcommittee on Subdivision Laws. The following bills were described as being "not recommended" where in fact the subcommittee

had approved them for inclusion in the package of recommended bills:

- LC 0063 - Amending the Sanitation in Subdivisions Act to provide for expanded local health review and additional enforcement authority.
- LC 0087 - Providing enforcement responsibilities of clerks and city and county attorneys re transfer of title and certificate of survey.
- LC 0088 - Modifying the exemption from survey requirements for state highways.

The recommended legislation has been sent to subcommittee members for final review and approval, after which the bills will be released upon request to interested persons.

ADMINISTRATIVE CODE COMMITTEE

BILL PROPOSED The Administrative Code Committee met October
OCTOBER 21 21. The committee recommended the following
bills for the next legislature:

1. A bill requiring agencies to recodify Administrative Rules of Montana, to change references to the Revised Codes of Montana, 1947, to the Montana Code Annotated, 1979, and to biennially review their rules.
2. A bill creating informal contested case proceedings; providing for joint waiving of formal proceedings; restricting modification by the agency of the proposal for decision. While it does not provide the same safeguards as the formal hearing where the rules of evidence apply, some trade-offs have to be made to provide an informal process so those less well-versed in the law may more easily participate.
3. A bill permitting an agency to elect to use hearing examiners from the legal services unit within the Attorney General's Office; and defining the timely filing of an affidavit of bias. If passed the legislation would provide that an agency could use its own hearing officer or use a hearing officer from the legal assistance program of another agency. In response to comments received

at the August 19 meeting, a provision permitting a hearing examiner to disqualify himself at any time was deleted. A petition to disqualify must be filed by a party or a hearing examiner or agency member no later than 10 days prior to the original date set for a hearing.

4. A bill to generally revise and clarify the laws relating to administrative rulemaking. Three additional suggestions were received from the Montana Petroleum Association. In some instances major changes were made in response to comments received at hearings held on rules and persons were not given an opportunity to respond. Twenty days of notice of a hearing on a rule was really insufficient time for a person to request the full text of the rule, if it was not provided, and submit that to persons who had expertise in that particular area. The third problem addressed dealt with an agency summarily rejecting or at least not evidencing having considered comments received at a rulemaking hearing, possibly not even having read the rules fully. Staff will consider and make recommendations to the committee at the next meetings.

REAL
ESTATE
LOGO

In other action the committee moved to not alter its position concerning the rules proposed by the Board of Real Estate regulating the use of a franchise logo in real estate advertising.

The committee also took exception to several other issues including some provisions of proposed rules relating to private employment agencies.

REVENUE OVERSIGHT COMMITTEE

FINAL
MEETING
NOVEM-
BER 11

The Revenue Oversight Committee will hold its final meeting of this interim on Saturday, November 11, at 9:30 A.M. in room 405, State Capitol, Helena.

The Committee plans to complete its reports and recommendations to the 46th Legislature on the following topics: taxation of severed mineral rights, revision of the property tax classification system, creation of a motor

vehicle fee system, and taxation of financial institutions. The Committee will also consider several bills proposed by the Department of Revenue.

MONTANA SALARY COMMISSION

SALARY COMMISSION MAKES RECOM- MENDATIONS

The Montana Salary Commission held its final meeting October 30, 1978. The commission listened to testimony from the clerk of supreme court, and representatives of the supreme court; outlined its final report to the 1979 Legislature; and reviewed several ways of viewing cost-of-living increases. The final salaries recommended by the commission include various factors reflecting cost-of-living and commission impressions of what salaries should be recommended. The commission recommended the following salaries:

<u>Executive</u>	<u>Present Salary</u>	<u>Recommended Salary</u>
Governor	35,000	40,750
Lieutenant Governor	25,000	29,750
Secretary of State	22,500	25,500
Attorney General	32,500	37,750
Superintendent of Public Instruction	27,500	33,000
Auditor	22,500	25,500
Public Service Commission	25,000	26,500
<u>Judicial</u>		
Chief Justice of Supreme Court	37,000	41,750
Associate Justice of Supreme Court	36,000	39,750
Clerk of Supreme Court	20,000	23,750
District Judges	35,000	38,500

The commission did not recommend a salary for legislators. The commission attempted to evaluate legislative salaries under the state plan, but found it unsuitable for the kind of position the legislator holds. Therefore, the commission indicated that until the legislature removes itself from the state pay plan, it does not feel compelled to offer a salary recommendation.

ENVIRONMENTAL QUALITY COUNCIL

INVITATION TO VISIT OFFICES

The Environmental Quality Council extends an invitation to all legislators to visit its office at 1228 Eleventh Avenue in Helena during your next visit or during the party caucuses in November. This will give you an opportunity to meet the staff of the LQC and learn what services are provided. For example, the staff can provide information on most natural resource and environmental areas which could be helpful during the upcoming session and for committee hearings during the interim. The staff can also conduct reviews of programs in the executive branch to determine if they are functioning as intended. The staff has many other activities which will be of assistance to you as legislators in the natural resource and environmental areas.

LEGISLATIVE CONSUMER COMMITTEE

MEETING SEPTEMBER 29

The Legislative Consumer committee met on September 29 to discuss present and future financing of the agency, status of litigation relating thereto, participation in cases of regulatory concern, and the implications of the Milwaukee Railroad bankruptcy proceedings.

The Consumer Counsel was authorized to hire expert witnesses to participate in a case filed by Montana Power Company with the Public Service Commission for authority to increase its rates for natural gas service to provide approximately \$23 million additional annual revenue.

The Consumer Counsel was also authorized to participate in I.C.C. proceedings relating to an application by Milwaukee Railroad for authority to abandon the Winifred branch line.

The Consumer Counsel also had extended discussions with concerned union and shipper spokesmen regarding the deterioration of the Milwaukee Railroad. The Consumer Counsel was instructed to research a number of suggested federal agency procedures that might remedy or at least alleviate the situation.

The committee discussed possible appropriation legislation which might provide alterna-

tive methods for funding the agency at a realistic level in the event that pending law suits brought by utilities are successful.

Discussions relating to the Milwaukee Railroad, agency funding, and regulatory legislation are expected to occur at meetings of the committee for the balance of the year.

NEXT MEETING
NOVEMBER 10

The next meeting of the committee is tentatively set for November 10, 1978 in Helena. The committee is expected to discuss implications of the National Energy Act to Montana regulation; possible remedial legislation with respect to utility and transportation regulation that it might sponsor; possible litigation in the Mountain Bell rate case; and pending litigation -- especially cases concerning the ICC's railroad ratemaking scheme as it applies to Montana.

LEGISLATIVE FINANCE COMMITTEE

MEETING

The regular meeting of the Legislative Finance Committee was held October 20 and 21 in the State Capitol.

PRESESSION
BUDGET
REVIEW

The committee heard budget requests from the Departments of Institutions, Revenue, and Fish and Game.

NEXT MEETING

The committee's next regular meeting is scheduled for December 1 and 2 in the Senate chambers. Major items on the agenda include presentations of the budget requests of the vocational education centers, community colleges, the university system, and the department of social and rehabilitation services. All legislators and legislators-elect are invited to attend at their own expense.

REPORTS
AVAILABLE

From the Office of Legislative Fiscal Analyst, Room 109, State Capitol or phone 449-2986.

LEGAL JURISDICTION OVERSIGHT COMMITTEE

MEETING HELD
OCTOBER 18

The Committee on Indian Legal Jurisdiction met with tribal leaders at the Intertribal Policy Board offices in Billings on October 18. The meeting was well attended with representatives from all Montana tribes present. A wide range of subjects was discussed,

including whether a committee of this sort should be established in the future to act as a sounding board to the legislature and state government generally.

LEGISLATIVE AUDIT COMMITTEE

MEETING	The Legislative Audit Committee met on October 30 and 31, 1978, at the State Capitol and will meet again on December 4th.
REPORTS ISSUED	The committee received, reviewed, and filed the following financial/compliance audit reports: Department of Social and Rehabilitation Services, Developmental Disabilities Division,* Montana Veterans' Home, Miles Community College, Legislative Branch and Crime Control Division. (*Audit conducted by the Office of the Legislative Auditor. Other audits conducted by certified public accounting firms.)
ALCOHOL	A progress report on the review of the alcohol treatment programs was presented to the Committee.
SUNSET	Sunset hearings were held on: Board of Institutions, Board of Professional Engineers and Land Surveyors, Board of Warm Air Heating, Ventilation, and Air Conditioning and Board of Real Estate. The committee requested that legislation be drafted for the Investment Division, State Auditor's Office, and the Board of Landscape Architects.
REPORTS AVAILABLE	Copies of all reports are available from the Office of the Legislative Auditor, Room 135, State Capitol. Telephone: 449-3122.

